

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATAUSHA SIMMONS,

Plaintiff,

v.

Case No. 18-cv-14058
Hon. Matthew F. Leitman

HENRY FORD HEALTH SYSTEM, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF’S EX PARTE REQUEST TO APPEAR
TELEPHONICALLY FOR ANY FUTURE CONFERENCES (ECF No. 99)**

On November 21, 2022, this Court entered an order requiring Plaintiff Latausha Simmons, who is proceeding *pro se*, and defense counsel to personally appear for a status conference on December 20, 2022. (*See* 11/21/22 Order, ECF No. 96.) On December 19, 2022 – the eve of the scheduled conference – Simmons filed a request to appear telephonically for the conference. (*See* 12/19/22 Request, ECF No. 98.) She said she could not attend the conference in-person because she had been exposed to a family member who had tested positive for COVID-19 and was experiencing symptoms of the virus herself. (*See id.*, PageID.1203.) The Court reluctantly agreed to adjourn the in-person.

On December 20, 2022, the Court entered another order requiring Simmons and defense counsel to personally appear for a status conference on January 31, 2023. The Court added that, “[i]f Plaintiff fails to appear for the re-scheduled conference, the Court

will dismiss the action; if defense counsel fails to appear, the Court will enter a default.” (12/20/22 Order, ECF No. 97, PageID.1202.) On January 26, 2023 – five days before the re-scheduled conference – Simmons filed an Ex Parte Request To Appear Telephonically For Any Future Conferences Pursuant To Fed. R. Civ. P. 60(D)(1). (*See* Mot., ECF No. 99.) Simmons says she cannot attend the re-scheduled conference in-person for many of the same health-related reasons that she listed in her previous request. (*See id.*, PageID.1210.)

Simmons’ motion to participate in the conference telephonically is **DENIED**. The Court has a number of important matters to discuss with Simmons and defense counsel – including the Court’s serious concerns about the manner in which this action has been litigated so far – and the Court believes that it is essential to have the discussions in person. Moreover, Simmons’ explanation as to why she cannot attend is not persuasive. Based upon Simmons’ past actions in this case, the Court does not believe Simmons’ claim that she is too ill to attend the conference.

Simmons shall attend the conference in-person on January 31, 2023. If she fails to do so, the Court will dismiss this action with prejudice. Defense counsel shall also attend in-person.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 26, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 26, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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